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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

STACI DENISE CRISWELL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Civil No. 1:25-cv-00749-BAM

**STIPULATION AND ~~PROPOSED~~
ORDER FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

The parties stipulate through counsel that Defendant, Commissioner of Social Security (Commissioner), shall have an extension of time to respond to Plaintiff's Motion for Summary Judgment in this case. The parties further stipulate that the Court's Scheduling Order shall be modified accordingly. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Motion for Summary Judgment is due October 29, 2025. Defendant has not previously requested an extension of this deadline.

2. At the end of the day on September 30, 2025, the appropriations that have been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for

1 most Executive agencies, including federal defendant Social Security Administration (SSA). It is not
2 clear when funding will be restored by Congress.

3 3. In the absence of either a Fiscal Year 2026 appropriation or a continuing resolution to
4 continue the ongoing operations of SSA, no further financial obligations may be incurred by SSA,
5 except for that work which, as defined by law, is excepted from the limitations of the Anti-Deficiency
6 Act. *See* 31 U.S.C. §§ 1341–1342. Given this situation Defendant requests an extension of 30 days to
7 respond to Plaintiff's Motion for Summary Judgment.

8 4. Effective Monday, October 20, 2025, SSA has determined that undersigned counsel and
9 colleagues within his office may perform work on Social Security cases arising under 42 U.S.C. §
10 405(g) during the current lapse in appropriations as excepted work.

11 5. Although the undersigned counsel is permitted to work on Social Security cases arising
12 under 42 U.S.C. § 405(g) as of October 20, 2025, undersigned counsel has many pressing briefing
13 deadlines resulting from the lapse in funding, including at least two other pending Social Security cases
14 before this Court and at least three Social Security appeals pending before the Ninth Circuit.

15 6. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
16 they have no objections.

17 7. This request is made in good faith and is not intended to delay the proceedings in this
18 matter.

19 WHEREFORE, Defendant requests until November 28, 2025, respond to Plaintiff's Motion for
20 Summary Judgment.

21 Respectfully submitted,

22
23 Date: October 24, 2025

By: /s/ Josephine Gerrard
JOSEPHINE GERRARD
Gerrard Law Offices
Attorney for Plaintiff
(*as authorized by email)

24
25
26 Date: October 24, 2025

ERIC GRANT
United States Attorney
MATHEW W. PILE
Head of Program Litigation 1

By: /s/ Asim H. Modi
ASIM H. MODI
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, and cause appearing, Defendant's request for an extension of time to respond to Plaintiff's Motion for Summary Judgment is GRANTED. Defendant shall file a response to Plaintiff's Motion for Summary Judgment on or before November 28, 2025. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: October 24, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE